

**Pretrial Services Committee  
ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS**

**Minutes – 1/12/2022**

**Chairperson:**

Ed Gilligan

**Members Present:**

Dean Brault

Domingo Corona

Zach Dal Pra

Chad Feipel

Nicole Garcia

Michael Geraci

Jason Kalish

Lolita Rathburn

Stephanie Schaff

Joshua Steinlage

Mary Walsh-Navarro

**Guests:**

Carissa Moore

William Walker

**Staff:**

Dionna Diaz

Kristie Wooley

**Welcome**

**Approval of Minutes**

- The October 6, 2021 minutes were approved.

**Upcoming NAPSAs Conference and updates – Domingo Corona**

- NAPSAs board is interested in holding an in-person conference this year, or at least a hybrid conference. Conversation has included better spacing to allow for networking and training groups that are smaller. A lot to consider making for a better and safer experience.
- NAPSAs is still looking to do regional trainings and is looking at perhaps more training focused vs. networking focused and can be done via video.
- Areas NAPSAs is looking to supplement training in: one big push right now is supervision. Last year was Measuring What Matters and partnering with them to come up with the updated version.
- The next phase will be what does Evidence Based Supervision look like in the Pretrial period and nailing down the best practices with feedback from jurisdictions and multiple stakeholders.
- NAPSAs is discussing their internal structure and looking at how can NAPSAs provide the best support to the Pretrial community. Part of the discussion includes bringing in stakeholders, including judges, prosecutors, and defense attorneys and having a bigger conversation, which was the goal all along.
- NAPSAs conference will be in Atlanta, dates have not been set.

### **DMF to Release Conditions Matrix pilot – Kristie Wooley and Domingo Corona**

- Receiving TA support from Alison Shames and Kelvin Banks, leadership personnel with APPR, to make sure we're consistent with best practices.
- Meeting with APPR next week to review the learning portal and to talk about getting others on the subgroup access to the portal.
- Violent Charge workgroup will meet in February and Domingo will be getting information out about that. Along with the work on the Release Conditions Matrix, APPR will be providing support and resources for the violent offense list review.
- Documents related to the Release conditions matrix are attached to agenda for reference.
- The goal is taking the “if then” out of the Decision-Making Framework and rather looking at what is going to be the best solution for us as a state.
- Questions that will have to be addressed include: Where are these release levels going to land? How many release levels will we need to recommend? How are they going to land based on the scores?

### **Violent Offense List Updates – Domingo Corona**

- Meeting in February with information coming soon.

### **Quality Assurance in PSA Scoring – Kristie Wooley**

- The updated Measuring What Matters was attached in the email invitation for this group's review.
- What is the focus of this group? What is our strategy? What is our goal for this group? Create a workgroup that's going to decide what our focus should be and what should our focus be on our quality assurance? What are our needs throughout the state?
- Comments:
  - Training
  - Standards for reporting and outcomes
  - Recording data for standards and outcomes
  - FTA – what is it?
  - Consistency and understanding that we're all working towards the same things
  - Jason suggested a Rule proposal for the Supreme Court to consider
  - Workgroup: Lolita Rathburn, Domingo Corona, Stephanie Schaaf, Mary Walsh-Navarro, Jason Kalish, Michael Geraci
  - Kristie will set a date in February for the workgroup to meet and notify those in the workgroup.
- Kristie will forward articles sent by Zach.

### **Update on PSA Automation and PSA Scoring App**

- Waiting on resource from the AOC IT department.
- Questions 3, 7 & 8 – IT needs to figure out how to do the script to pull it directly out of AJACS and get that information.
- 33 other states that we are trying to pull the violent offense lists from so that we can get those incorporated into this automation.
- Link to online PSA in the agenda.
- Phoenix City Court wants to devote some resources to having their staff do some of these

for their Municipal Court level IA's. This will be a great source for Phoenix City Court, to use the one on the website. They can save the historical on their own shared drive. Will be a help to us, even with the PSA automation hold. If this can get rolling for Phoenix, Tucson, Scottsdale, and Tempe courts, we've made huge steps towards getting this out to the lower courts while we're waiting for the automation piece to be done.

### **Discussion on need for Refresher Training**

- With turnover happening, refresher courses are good.
- Create a video with helpful information on how to do the PSA, what is an FTA, how do you score that, when you're looking at an out of state record, how do you know whether it is a felony or misdemeanor?
- Kristie may reach out to Committee members for input, suggestions, role players, actors.
- Comments:
  - Before refresher courses, is there a regular routine process to do quality assurance checks on the scoring of the PSA 's because that would tell you if there are certain factors that a lot of people are missing or incorrectly scoring versus all of them.
  - Do counties have a process in place to do case reviews, reliability checks and all the quality assurance steps that would tell you what refresher is needed?
  - Agreement as to how things are counted.
  - Maricopa has Supervisors that can say where the training is needed to improve the accuracy.

### **Non-Agenda Items**

- Yavapai County brought up concerns with the routine maintenance schedule for the databases that we use to get PSA's to the courts. Unable to get into APETS and cannot run JW. Would it be possible to have the AOC do those updates at a different time, perhaps late in the afternoon on Sunday? Kristie will continue to follow up with staff at AOC to see if changes can be made to that process.

### **Around the Table/State**

- **Maricopa (Lolita)** - Still getting a lot of people out pretrial. My team and I recently trained a new commissioner at our IA Court, that runs 24/7, and he was engaged, interested, asked great questions. Another IA commissioner sat in for a refresher.
- **Maricopa (Jason)** – Seeing releases, county attorney office doing the best not to charge drug cases, where people remain in custody if all they're charged with is simple possession of a drug, to keep them out of the jail 's. The only time it really comes up is when someone 's on release for a different offense and then they are caught or arrested for a drug offense. Sometimes they'll remain in custody because they were on release for a more serious offense. The issue for us is on the back end, as more people are out, cases are going on longer because they don't want to resolve the case if it means that they're going to go into custody when the case is resolved.
- **Cochise (Stephanie)** – Actively taking cases for less than a year, we still have a few struggles, confusion with terminology and recommendations with the courts. Started in Superior Court and have branched out into our Justice Courts. We are seeing a fair

number of releases. Our jail was hit very heavily with Covid, we have a quarantine shutdown situation, which is affecting things. The timeliness of our PSA 's has come to fruition, the officers are really getting their feet underneath them. We still have 3 full time Pretrial officers and a lead officer who's part time Presentence part time Pretrial services as their lead. Seeing a lot of success, still have our challenges, but still have lots of growth. Our Presiding Judge is onboard with Pretrial services. He understands the PSA, he started in the justice courts and he was a real big push to get us back in the justice court, he's very supportive.

- **Yavapai (Chad)** – Work furlough / work release has yet to open, when people come in, they must quarantine. Judges have been very supportive of Pretrial and the PSA. The Presiding Judge was one of the defense attorneys who was a member of one of the committees to help develop it, he's very aware of how it works. We have a Judge who will send memos if someone does not show up for a court date, so I can contact their PO, so she doesn't have to put them back in jail or fine them.
- **Pima (Dean)** – Community Bond Program is making a little bit of progress. Put out RFP, received no bidders, extended it by another month. We got one bid, haven't been able to see the bid yet because the County Attorney's office is supposed to be doing a conflict-of-interest analysis. The bidder was a part time employee of the Pima County's One Stop program, currently waiting to find out whether that is going to impact their ability to review and potentially accept the bid. Pima jail is down about 25% of the Corrections Officers capacity due to the lack of vaccinations for those who deal with the vulnerable population. Potentially lose about 100 CO's. In response the County Attorney is trying to make some adjustments, one adjustment that's been made is the reinstated directive, that was previously issued by our former County Attorney, that law enforcement agencies don't make arrests and book people in on merely personal possession of drug charges. That has kept people from getting booked in on those personal possession charges. One collateral consequence of that is that our Steps program, which is a preindictment diversion program has no incoming members to it. On the defense side we are advocating that the parameters of that be expanded to be people that have got drug charges and other miscellaneous low-level felonies, so that we can continue to populate that with people who've got substance abuse disorders and get their low-level felony charges resolved with a preindictment dismissal. Waiting to see how the County Attorney is going to respond. We are cautious about not changing policy just to populate a program with people that have low level drug charges when we've got such a crisis regarding covid right now. Direction is to document any problems with visitation, transportation or any delays that happen because they don't have the staff to be able to make things happen. We are cataloging everything and will be complaining about that in forms of motions if necessary. Going forward, uncertain how they're going to be able to effectively run a jail on 75% of what they had when they were understaffed to begin with. With the current jobs market, Domingo is understaffed with his people, so they've had to cut back on the reports, we're now getting reports that do not involve work from Pretrial. Domingo anticipating being able to get that resolved in the next 5 months.
- **Pima (Domingo)** – Staffing issues, where we're at 50% at our jail office, it's been severe

here. Timeframe to resolve these staffing issues are 5 to 6 months, start hiring people, train and get them up to speed by the beginning of the next fiscal year. The good news is that we are hiring some good people and some people are coming in that are going to be helpful for us. Half of the people have interned with us and they're starting a little further ahead than others. Working on our Case Management System, looking to institute upgrades. Going to focus a lot on what data we want to capture, upgrading what information we have available to report out on. The conversations in this Pretrial Services Committee meeting talking about consensus and reporting can coincide with what we're doing with our Case Management System and we can make sure we update that as we go, to make it a smoother process once we come to some conclusions in the Pretrial Services Committee meetings.

- **Coconino (Joshua Steinlage)** – As a one of the Judges in our jurisdiction, all the judges in our jurisdiction are very supportive with Pretrial Services and the PSA. Perpetual issue that we have in our County is the late filing of complaints. From the perspective as a Judge, we put a lot of effort into thoughtfully trying to set release conditions and conduct our initial appearances only to have complaints that are very, very rarely in over 80% of cases they don't file a timely complaint to keep any of that in motion. We have complaints that come in 4-5 years after the fact when it sometimes seems nonsensical to even be prosecuting that case is at that point.
- **Coconino (Mary)** - One unit has four brand new people and one experienced person. Everyone is doing a great job learning their responsibilities and catching on to the concepts of Pretrial. We do have another position that we're still trying to fill.
- **Mohave (Michael)** - Decline in the number of defendants that the judges are placing on Pretrial supervision. It is unfortunate and we may have to work with our Judges to provide information of the advantages to Pretrial. No benefit to Pretrial drug testing when there are no services being provided, if services are provided to be successful then drug testing could take place.
- **Maricopa (Nicole Garcia)** - New Criminal Department Administrator for Superior Court Maricopa County. Quarantine rate in the jails is at 41%, continues to be a challenge. Relying on remote appearances from the jails into the courtrooms. Continuing to try to make sure that cases are proceeding as normal.

**Call to the Public-** None

**Meeting adjourned at 2:05pm**